

INDIANA LEGISLATURE.

[Omissions and curtailments of this report for want of space in this column will appear in an appendix to Volume XXII of the *Brewer Legislative Reports*.]

IN SENATE.

THURSDAY, Feb. 17, 1885—10 a. m.

STATE HOUSE FUND INVESTMENT.
Mr. Smith's bill (S. 290) for the investment in interest-bearing bonds or securities of the State of the 10 per cent. left on the work done and material accepted upon the new State-house, was read the second time—being the special order for this hour.

Mr. SMITH: In 1878 the State-house Commissioners under the law of 1877 contracted for the completion of the new State-house, and it was agreed that 10 per cent. of money due should be retained in the State Treasury as a guarantee that the contract would be carried out. There is now of that fund about \$102,000. In case of a failure on the part of the contractors to carry out their agreement this fund belongs to the State. These moneys lie idle and there is a necessity for its use by the State just now. The bill also provides whenever in the future this amount shall reach \$5,000 it is to be likewise invested, and it accumulates at the rate of about \$2,000 per month. The contractors have lost money and will probably lose more, but the Commissioners say they are living up strictly and literally to their contracts. The bill will result to the benefit of the contractors or of the State, and he hoped it would pass. It is universally approved.

Mr. WILLARD saw no objection to the bill. It is proper that the contractors should enjoy the interest to be derived therefrom if they fulfill their contract. He moved to amend by striking out the word "par," and insert in lieu the words "at the lowest market rate, not less than par." The State should have the benefit of any rate above par that could be obtained.

Mr. FOWLER hoped the bill will not pass. Its title should be "a bill to grant the contractor more pay." He opposed the State laying its hand on the State-house contract in any manner, way or form. This is like the same old bill of two years ago, which proposed to give these contractors \$300,000 more than their contract calls for. It is said they have lost money. Many contractors lose money, notwithstanding which it is their duty to faithfully carry out their contract. Not one dollar of the \$102,000 the Senator from Delaware refers to is in the State Treasury, and never was. It was not the intention that 10 per cent. retained should be in the Treasury. Who is asking this to be done? The proposition is unfair to the people of the State on this \$100,000 and \$10,000. It is a proposition to take money lying idle and loan it to the State, but on investigation soon arrived at a different conclusion. The bill proposes to loan 10 per cent. of the cost of the State-house, which exists only in the credit of the State. There is no such thing as a loan to the State. There has never been an appropriation made exceeding 50 per cent. of the cost of the building each year. The balance is a reserve, and will remain a reserve until the additional 10 per cent. is appropriated. If this bill has any purpose it is simply to use bonds for the credit of the State and give the interest to these contractors. It will be loaning wind and reaping a whirlwind. The bill ought not to be engrossed.

Mr. SMITH, of Delaware: That fund is somewhere, either deposited to the credit of the State or elsewhere in the hands of the Treasurer of State. He made the statement upon his own personal legitimate conclusion. It is infinitely better for this investment to be made than to have this large sum in the hands of the party it is now, subject to loss.

Mr. CAMPBELL, of Hendricks: There are different statements made in regard to this matter. If there is in the Treasury a ten per cent. fund then the passage of this bill is merely supplying an omission in the original contract. It would be saying the contract should have read: The contractors would have the withheld ten per cent. with interest. If the contractors have earned the money and the money is lying idle he greatly preferred the contractors should have the interest on it in case they completed their contract.

Mr. WILLARD read from the State-house contract and declared the money ought to be in the Treasury.

Mr. MAY preferred all investigations in regard to this matter should be made before the bill is ordered to the engrossment.

Mr. FOWLER also opposed its engrossment.

Mr. MAGEE did not suppose there would be much, if any, objection to this bill. He is a proposition that in one case would accrue to the benefit of the contractors, and in the other case to the benefit of the State. This bill is to fund money already earned, the accrued interest thereon, to go to the contractors if they complete the building according to their agreement, otherwise it accrues to the benefit of the State. The State House Commissioners suggested this bill, and he saw no valid objection to it. There is no authority of law to collect but 50 per cent. of the State-house levy. These contractors have earned that 10 per cent.—it is theirs absolutely, and why should they not have interest upon it? They have lost \$300,000, and there is no bill here to reimburse them, now will there be. This 10 per cent. has been collected and paid into the Treasury, as can be seen by referring to page eighty-five of the report of the State-house Commissioners. To whom does it belong? The contractors have advanced this money, and it belongs to them in the eye of the law.

Mr. CAMPBELL, of Hendricks, moved that the bill be referred to a select committee of Three, with power to send for persons and papers, and ascertain as to whether or not this 10 per cent. is in the State Treasury.

The Presiding Officer [Mr. Willard in the chair] ruled it out of order.

Mr. CAMPBELL, of St. Joseph, with great reluctance opposed any measure advocated by his respected seat mate (Mr. Smith). If this money were lying in the Treasury, he should favor this bill as a matter that would be fair either to the State or to the contractors. There is no money comes into the Treasury for State-house purposes except through the special levy therefor. The report of the committee would seem to indicate that the money is in the Treasury, but it simply means this is due the contractors, entitled to be drawn when the work is done. The amount states \$38,000, but the Auditor's report shows there is but \$34,000, and these are the only books we have to

go by. This \$34,000 is all that there is in the Treasury for current expenses, and the 10 per cent. contemplated in this bill is not yet collected. To the end we may have further knowledge on this matter, I move it be made a special order for Thursday at 10 o'clock.

Mr. SELLERS opposed the motion, and predicted his opposition to the bill on the wording of the contract itself. Under that contract not a dollar of this 10 per cent. is due till the entire contract is completed and the State-house accepted. The 10 per cent. is not the money of the contractors but the money of the State, any interest that may be given them would be but a present—a bonus—to the contractors. Senators who advocate this bill certainly do so under a misapprehension.

Mr. ADKISON two years ago was a member of the committee which investigated this State-house matter. Then there was no question that this 10 per cent. fund was in the State Treasury in cash. Two years have since elapsed and larger sums have been expended than in any other two years of the construction of the State-house. He moved to amend the motion for an investigation by making the committee with instructions to report the condition of this fund.

Mr. MAY: This contract was made under the law. This money is only there conditionally, and in the event of the contractors failing, the money will never be in the Treasury. Two years ago it was the policy of the Legislature to let this new State House matter severely alone, and that policy ought now to be pursued. Any legislation, however trivial it may seem, might interfere with the satisfactory progress now being made. He opposed this bill as a matter of policy.

Mr. WILLARD: As Chairman of the St. House Committee in the House in 1879, and of the Finance Committee in the Senate in 1883, he had considerable knowledge of this matter. This fund should be in the State Treasury. This bill simply says that this money lying idle, or loaned by some one without authority, shall be loaned for the State's benefit on one hand, or the contractors benefit on the other; and he saw no objection to it. It does not conflict with fair dealing, nor does it conflict with any contract.

Mr. SMITH, of Jennings, made an ineffective motion to recommit the bill to the Committee on Judiciary.

The motion for a select committee of three was rejected.

Mr. WILLARD moved to recommit the bill to the Committee on Claims. It was so ordered.

CIVIL SERVICE REFORM.

The President pro tem. (Mr. Mace) announced a special order being Mr. Foulke's bill (S. 1—see page 18) to regulate and improve the civil service of the State—similar to the New York and national civil service reform laws.

Mr. FOUKLE spoke in favor of his bill a half hour before the recess for dinner and an hour and a half after. The wisdom of civil service reform is demonstrated not merely by reason, but by experience and historic fact. It is no longer an experiment. It has been tried, and is everywhere successful. Its success has been tested, not during a month or a year, but during a long series of years; not in one form of government alone, but by the governments of many of the most civilized communities in existence. We think it is self-evident that the right of appointment to office is a trust; that the duty is to appoint the man best qualified for the office—the one who will best serve the people in the official capacity. The notion that the man of party has a right to an office is erroneous. The right is in the whole people to have the best servants; the right is in the taxpayer to have the best work performed for the money which he is required to pay. It is the duty of the State to appoint to office one unit to perform its duties, on account of personal or party services, as to devote the public money to personal or campaign uses. If there be any claim to office by any person it is the claim of the fittest person to hold it solely on account of his fitness. If these conclusions are correct, the only remaining question is: "By what system of general rules can the fitness of men for office be best determined?"

When he concluded—

The bill was ordered engrossed by yeas 24, nays 18.

THE STATE MILITIA.

Mr. Howard's bill (S. 88—see page 176) coming up as a special order, on motion by Mr. Hilligass, Section 38 was amended by additional guards as to the authorities of militia in case of disturbance.

Mr. Hilligass moved to amend Section 73 so that there shall be an annual appropriation not exceeding \$10,000 a year for uniforms, \$12 to each militiaman, and \$10,000 for the State-house militia fund. This as an appropriation of \$20,000 a year from what the taxpayer brings to the vaults of the Treasury, without any return of value whatever to the people of the State, this military bill having for its purpose none other than to protect people from what was read the third time, and passed—yeas 76, nays 1.

The bill (S. 154) to legalize the incorporation of the town of Alamo, Montgomery County, was finally passed by yeas 78, nays 3.

CITY ASSESSOR AND TREASURER.

The bill (S. 182) to abolish the offices of City Assessor and Treasurer in cities of over 10,000 being read the third time, and passed—yeas 76, nays 1.

Mr. PENDLETON: This is a political measure. Both of the conventions of Marion County which nominated the candidates to the Legislature last fall, pledged themselves to this measure. It looks especially to Indianapolis, in the offices which the bill designs to abolish, one is a Republican and the other is a Democrat. The bill will not legislate them out of office, but at the expiration of their terms the offices are done away with. I want it said, too, that there are five men in Marion County who will do right, and not be influenced by a corrupt and outrageous lobby.

Mr. DONOST: It is not a political measure, and we have pledged our constituents to vote for the measure.

Mr. JAMISON: It is not a political measure and it can do no harm. On the other hand it will be beneficial to the county, the city and the taxpayer. It will greatly reduce expenses.

Mr. MOCK: It should certainly pass. It is a move in exactly the proper direction.

RELIEVING SURETIES.

Mr. Pendleton's bill (H. R. 556) to relieve Jesse A. Avery and others, Township Trustees, who lost money by the failure of certain Indianapolis banks, was read the third time.

Mr. PENDLETON: Some have said that to pass this bill will be to establish a bad precedent. Had this loss come to any of these trustees through any negligence of their own, or through any speculation, it would not be the just thing for us to release them. But these Indianapolis banks where the money

the original section in the bill. He did not believe any Senator could intelligently discuss any ten sections in this bill, nor is there half a dozen who understand the seventy-fourth section of this bill. If it becomes a law Senators will have more trouble in being returned to the Senate than they dream of.

Mr. SMITH, of Jennings: The object of this bill is to create a paid militia in the State for the purpose named. He hoped the Senate would refuse to appropriate a dollar; such an appropriation can not be justified before the constituents of any member.

Mr. HILLIGASS demanded the previous question.

The demand was seconded by the Senate, and under its operations the first division of the proposed amendment—section 73, to appropriate a sum sufficient to pay \$12 once in three years to each active militiaman, not exceeding \$10,000 per year—was agreed to, by yeas 25, nays 11.

The second division—section 74, to appropriate the further sum of \$10,000 per annum to defray expenses of militia encampments—was also agreed to, by yeas 22, nays 18.

The bill was ordered engrossed, by yeas 26, nays 14.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, Feb. 17, 1885—10 a. m.

DITCH LAWS.

On motion, the House resolved itself into a Committee of the Whole (Mr. Gordon in the Chair) for the consideration of a substitute for Mr. Boyd's bill (H. R. 222) reported by the Committee on Dykes and Drains, the provisions of which are (1) the County Commissioners shall appoint the Ditch Commissioner, instead of the Circuit Court, as now provided; (2) but one commissioner instead of two shall be appointed, to act in conjunction with the County Surveyor; (3) that when a majority of property owners along the line of a proposed ditch shall remonstrate against it, it shall not be built.

Mr. ENGLE moved to amend Section 2 of the bill by striking out the words "two or more" in the first line and substituting the word "one." Very often but two men are directly interested in the ditch, which will, however, be of public utility, and if it would take two or more to start proceedings for a ditch, a case like that just stated could not be reached. One man should have power to move for a ditch in this instance.

Mr. STALEY: I think with a few amendments this law is what our people need and want. Drainage laws are too valuable to be neglected or thrown aside. One man should have the power to move for a ditch in cases like this.

Mr. SAYRE: I think that the "one man power" is dangerous in cases where a great many are affected. It should read "two or more land owners," or "50 per cent. or more of such land owners." I hope the section will remain just as it is, unless some better amendment than the one proposed is found.

Mr. DUNN: It makes no difference whether one, two or more land owners start the machinery in motion. Section 3 of the bill provides that no ditch shall be built unless the majority of the owners of the land on which it is proposed to be built shall consent to its construction, and that the same shall decide from their testimony.

Mr. McHENRY: This bill will be an improvement on the old law. An amendment should be made cancelling remonstrances after the ditch has been started.

Mr. SMITH, of Tippecanoe: The gentleman from Allen (Mr. McHenry) will find further in the bill a remedy for the evil he fears. I have no personal grievance in this bill. My ditch is done. But I look to the welfare of the people, and I believe that one man should not be given the power, but that it should be 50 per cent. or more of the land owners.

Mr. BROWNLEE: My motion is that the petition should be signed by two or more—I would rather it were twenty—but I will do, for lands not named in the petition will be affected. This section should stand. The only men who can remonstrate are those not named in the petition, but reported by the Drainage Commissioners.

The amendment was rejected.

Mr. STALEY: I move to amend as follows: Add to Section 2 the following: "In case there are but two land-owners affected, then one shall be sufficient to petition."

The amendment was agreed to.

Mr. TAYLOR moved to amend Section 3 so that, instead of notices being sent to the postoffice address of such owners, they shall be notified by summons. He said: I am opposed to all laws that may make it possible to levy upon any man's property without due course of law. There is only one law of that kind now—the highway law.

Mr. SMITH, of Warrick: I hope that the amendment of the gentleman from Davies (Mr. Taylor) will not prevail. This law says that every land-owner shall be notified and none can be harmed by it. The amendment will double the costs of the ditch. If this amendment is tacked on, I shall be compelled to vote against the whole bill.

Mr. MOCK, of Wells: If this amendment is attached, I shall have to vote against the bill.

On motion, the Committee of the Whole arose, reported progress and was discharged from the further consideration of the bill.

AFTERNOON SESSION.

SENATE BILLS FINALLY PASSED.

The bill (S. 115) to legalize the corporation of the town of New Haven, Allen County, was read the third time, and passed—yeas 76, nays 1.

The bill (S. 154) to legalize the incorporation of the town of Alamo, Montgomery County, was finally passed by yeas 78, nays 3.

CITY ASSESSOR AND TREASURER.

The bill (S. 182) to abolish the offices of City Assessor and Treasurer in cities of over 10,000 being read the third time, and passed—yeas 76, nays 1.

Mr. PENDLETON: This is a political measure. Both of the conventions of Marion County which nominated the candidates to the Legislature last fall, pledged themselves to this measure. It looks especially to Indianapolis, in the offices which the bill designs to abolish, one is a Republican and the other is a Democrat. The bill will not legislate them out of office, but at the expiration of their terms the offices are done away with. I want it said, too, that there are five men in Marion County who will do right, and not be influenced by a corrupt and outrageous lobby.

Mr. DONOST: It is not a political measure, and we have pledged our constituents to vote for the measure.

Mr. JAMISON: It is not a political measure and it can do no harm. On the other hand it will be beneficial to the county, the city and the taxpayer. It will greatly reduce expenses.

Mr. MOCK: It should certainly pass. It is a move in exactly the proper direction.

Relieving Sureties.

Mr. Pendleton's bill (H. R. 556) to relieve Jesse A. Avery and others, Township Trustees, who lost money by the failure of certain Indianapolis banks, was read the third time.

Mr. PENDLETON: Some have said that to pass this bill will be to establish a bad precedent. Had this loss come to any of these trustees through any negligence of their own, or through any speculation, it would not be the just thing for us to release them. But these Indianapolis banks where the money

was deposited looked to us all sound. It would be only an act of charity and right for us to relieve these trustees. The night before the suspension of the banks everyone thought that they banks were among the strongest. The trustees invested their money at the very place which they thought was the safest. In the acts of 1881 we find a case precisely parallel with this; in 1883 we find another. The Constitution, the Supreme Court and the Speaker of the House have held the justice of parallel cases.

Mr. BROWNLEE: I said some time ago that this act would be unconstitutional. I understand that in these cases there are judgments already rendered against some of them. I need not say to you that the judgments given vested rights that the Legislature or no other body has the right to destroy or curtail. I understand that there are some of these cases where judgments are not given. Here is where I make my point. This contract—the contract—if good in one case it is good in another. The banks were paying interest on this money deposited there and that is the reason that such funds were taken there. I do not care to go home and by my vote say to the trustees of our country that they have lost their money, and money as they please—in pork, in wheat margins, or any other avenue of trade. On the contrary, I want them to understand that they and their securities must be good for the money. I do not want them to think that they have lost their money, and then I will go to the Legislature and have them released as others have been.

Mr. GOODING: I did not intend to say another word on this bill, but the opposition remains persistent. It seems to have no chance for the majority. The gentleman who just preceded me (Mr. Brownlee) seems to doubt the power of the Legislature to release these men. But against his opinion is the opinion of the highest courts of Indiana and that of preceding Legislatures. He finds fault with the trustees for putting their money in banks. Would they have kept it at home to be taken by robbers? Then he would have said that they were negligent, that they should have placed their money in the banks as business men do. The office of Township Trustees is not a paying one. And if a man takes it and the funds should by accident be lost, will his neighbors or the Legislature turn against him? Suppose the lightning from Heaven should destroy his home and the funds, would you take the trustee's stock or his all for the lost money? One would think that that but honorable gentleman who has just preceded me.

Mr. SMITH, of Tippecanoe: This question of constitutionality can be settled in a word. [The highest courts of the country sustain bankruptcy laws, and bankruptcy laws over-throw contracts.] Our hearts, of course, should not be our whole lives, but we should temper our acts with mercy. Two years ago we relieved a Township Trustee and a County Treasurer. I did not know the politics of these men; I merely inquired into the merits of the cases and voted for their relief. I have investigated this case, believing that we should be humane and that they were faultless, I shall vote for the bill.

Mr. CORY: From the interest manifested by certain parties here, one would be led to suppose that a matter of very great importance is to be passed upon; that there will be great loss and actual suffering unless by act of the Legislature relief is granted. What the facts are, certain trustees of Marion County deposited money in Indianapolis banks that failed. The most that is claimed is that some of them have been compelled to mortgage their farms to obtain the money to pay these losses. Gentlemen claim that it would be better to let them pass this bill, which authorizes the levying of a tax in each township to reimburse the Trustees. If the loss to a Trustee is \$2,000, backed by the action of the Legislature, he will place a tax on the people of his township which will be made in ten days to reimburse the loss. This will be collected from many who are poor and ought to be free after bearing the burden of tax that would legitimately fall upon them. If these men and their bondsmen are to be relieved—the bond in their case is to go for naught, then, indeed, should we dispense with the formality of making bonds. If bonds are not to bind, it is worse than child's play to require them to be made. My friend from Hancock (Mr. Gooding) opens his big heart and says he is willing to assist those in distress that his people have big hearts in them. O, yes! Extremely charitable and benevolent. But I notice that his charity amounts to this: He doesn't propose to go down into his own pocket to get a single copper—he doesn't propose to take a single cent from those constituents of his who have hearts in them—but in his unbounded generosity he is willing to compel the laboring men of Marion County to make good the losses of these Trustees. There is no charity in this—nothing that looks like benevolence. The maker of the bond should expect, and does expect, to make good the losses. The bondsmen expect to stand the losses, if any come. This action would authorize carelessness; it would authorize parties throughout the State to come here for relief. It is unwise legislation, and ought not to be indulged in.

The bill passed by yeas 55, nays 34.

Highway Obstructions.

Mr. Barnes' bill (H. R. 119) in relation to the removal of obstructions from public highways was read the third time and passed by yeas 68, nays 12.

Dangerous Toys.

Mr. Barr's bill (H. R. 137) to prohibit the sale of dangerous toys was read the third time and passed by yeas 59, nays 27.

Mr. Pleasants' bill (H. R. 162) to amend Section 79 of the common school law was read the third time, but failed to pass by yeas 20, nays 65.

The House then adjourned.

Real Estate Transfers.

The following deeds were recorded Tuesday, February 17, as reported by Steele & Bernheimer, abstract compilers, 12 and 15 Thorpe avenue. Telephone 1,048:

Rein R. Hammond and wife to Henry J. Wallace, warranty deed to part of lot 7 in square 23 in the city of Indianapolis—\$20,000 00

Rein R. Hammond and wife to Henry J. Wallace, warranty deed to part of lot 1 in square 23 in the city of Indianapolis—\$20,000 00

Rein R. Hammond and wife to Henry J. Wallace, warranty deed to part of lot 1 in square 23 in the city of Indianapolis—\$20,000 00

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HOUSEHOLD HINTS.

Every tidy housewife desires to have some kind of a scraper just outside the door to aid in removing the mud from the boots of incoming. One is made by fastening a iron hoe to the doorstep by nails or screws. It should not project more than half an inch above the step.

Squirrel or Partridge Pie.—Parboil the game, in just enough water to cover them, for fifteen minutes. Line a pudding dish with pastry, and put in the meat, seasoning it highly with pepper and salt, and lay slices of hard-boiled eggs over the top layer of meat. Strain the liquor the game was boiled in. Take a piece of butter the size of an egg, and cut it into small bits and roll it in flour, and put all over the top of the pie, pour in the broth at one side. Cover with nice pastry, and bake in the oven three-quarters of an hour. When it is done, cut a hole in the top to let the steam escape; and when it is cold slice it with an ornament of pastry. Serve hot or cold.

Apple Puffs Fried in Butter.—Take ten or twelve apples, according to size, six yolks of eggs, half a pound of castor sugar, two lemons with their peel and juice. Peel and core the apples, which must be quartered and boiled in a very little water, tender enough to beat up; it is still better to put the apples in a jar, closely covered, and place the jar in a saucepan of boiling water, adding no water to the apples. When they were cool, stir in the eggs, lemon and sugar, put back again into the jar and boil until it seems to thicken; then pour it out to cool, add a few bread crumbs, make into small cakes, soak in butter, and fry nice brown in hot lard. This is a particularly nice way of serving apples.

"Maryland, My Maryland."

"Pretty Wives, Lovely daughters and noble men."

"My farm lies in a rather low and miserable situation, and

"My wife!"

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